



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kunsch et al.

Docket No.: PF198D1C1

Application No.: 09/987,755

Confirmation No.: 7518

Filed: November 15, 2001

Art Unit: 1632

For: Human Hepatoma-Derived Growth Factor-2

Examiner: Anne Marie Wehbe

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references A-O listed on the attached Form PTO/SB/08.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of this application are related to SEQ ID NOs: 9732, 23401, 74209, 95940, 96716, 103751, 187093, and 233728, in copending U.S. Patent Application Serial No. 09/912,293 (filed July 26, 2001) and to SEQ ID NO: 10616 in copending U.S. Patent Application Serial No. 09/912,292 (filed July 26, 2001). A legible copy of the portions of U.S. Patent Application Serial Nos. 09/912,293 and 09/912,292 which caused these to be listed on the attached form PTO/SB/08 are submitted herewith as reference A (Appln. No. 09/912,293) and reference B (Appln. No. 09/912,292). Applicant's note that none of the above recited sequences are claimed in U.S. Patent Application Serial Nos. 09/912,293 or 09/912,292.

Copies of references C-K were submitted by Applicants or cited by the Examiner in connection with U.S. Patent Application No. 08/464,600, filed June 5, 1995. Copies of references L-O were submitted by Applicants or cited by the Examiner in connection with U.S. Patent Application No. 09/263,625, filed March 5, 1999. The present application claims benefit to U.S. Patent Application Nos. 08/464,600 and 09/263,625 under 35 U.S.C. § 120. Pursuant to

37 C.F.R. § 1.98(d), the Examiner is directed to the file of United States Application Nos. 08/464,600 and 09/263,625 for copies of references C-O.

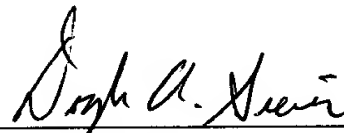
The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. However, should the Patent Office determine otherwise, please charge the required fee to our Deposit Account No. 08-3425.

Dated: September 26, 2003

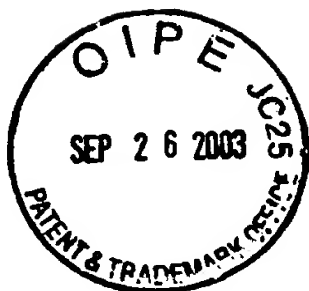
Respectfully submitted,

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PTO/SB/08a/b (06-03)

Approved for use through 07/31/2003. OMB 0651-0031

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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/987,755-Conf. #7518
				Filing Date	November 15, 2001
				First Named Inventor	Charles A. Kunsch
				Art Unit	1632
				Examiner Name	A. Wehbe
Sheet	1	of	2	Attorney Docket Number	PF198D1C1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	09/912,293	NOT PUBLISHED	ROSEN ET AL.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 9732, 23401, 74209, 95940, 96716, 103751, 187093, and 233728.
	B	09/912,292	NOT PUBLISHED	ROSEN ET AL.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NO: 10616.

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	C	NAKAMURA et al., "Molecular Cloning of Complementary DNA for a Novel Human Hepatoma-Derived Growth Factor," J. Biol. Chem. 269(40):25143-25149, especially Figure 2, pg. 25146 (Oct. 8, 1994)			
	D	NAKAMURA et al., "Partial Purification and Characterization of Human Hepatoma-Derived Growth Factor," Clin. Chem. Acta 183:273-284 (1989)			
	E	Genbank Accession No. R19745, HILLIER et al., "yg40c08.r1 Homo sapiens cDNA clone 34950 5'," see entire sequence (Apr. 17, 1995)			
	F	Genbank Accession No. HSBA6E042, GENEXPRESS, "H. sapiens partial cDNA sequence, clone A6E04," see entire sequence (Jul. 20, 1993)			
	G	Genbank Accession No. HGSCOZA111, GENEXPRESS, "H. sapiens partial cDNA sequence, clone c-Oza11," see entire sequence (Feb. 15, 1995)			
	H	Genbank Accession No. T47923, HILLIER et al., "yb18c09.s1 Homo sapien cDNA clone 71536 3'," see entire document sequence (Feb. 8, 1995)			
	I	Genbank Accession No. HS164111, HILLIER et al., "yg40c08.s1 Homo sapiens cDNA clone 34940 3'," see entire sequence (May 13, 1995)			

Examiner Signature		Date Considered	
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				Art Unit	1632
				Examiner Name	A. Wehbe
				Attorney Docket Number	PF198D1C1
Sheet	2	of	2		

	J	ADAMS et al., "3,400 New Expressed Sequence Tags Identify Diversity of Transcripts in Human Brain," Nature Genetics 4:256-267, see Table 2 (Jul. 1993)	
	K	Genbank Accession No. T05906, ADAMS et al., "Homo sapiens cDNA clone HFBD141," see entire sequence (Jun. 30, 1993)	
	L	GERHOLD et al., "It's the genes! EST access to human genome content", Bioessays. 18(12):973-81 (Dec. 1996)	
	M	Russell et al., "Structural features can be unconserved in proteins with similar folds. An analysis of side-chain to side-chain contacts secondary structure and accessibility", J. Mol. Biol. 244(3):332-50 (Dec. 1994)	
	N	Wells et al., "The chemokine information source: identification and characterization of novel chemokines using the WorldWideWeb and expressed sequence tag databases", J. Leukoc. Biol. 61(5):545-50 (May 1997)	
	O	International Search Report mailed on October 13, 1995, in connection with related International Application No. PCT/US95/06731	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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